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November 12, 2024

VIA E-FILING

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

**Re: *Crystallex International Corp. v. Bolivarian Republic of Venezuela*,
CA No. 1:17-mc-00151-LPS**

Dear Judge Stark:

In connection with the Court's consideration of the Special Master's request for an injunction against the continuation of alter ego actions in other courts, we write on behalf of ConocoPhillips to apprise the Court of certain activities on the part of Girard Street, plaintiff in *Girard Street Investment Holdings LLC v. PDV Holding, Inc.*, Case No.24-cv-04448-JSR, the alter ego action pending before Judge Rakoff in the Southern District of New York.

On November 1, the Venezuela Parties told this Court that, "Girard Street is attempting to take wide-ranging and outrageous discovery, including . . . serving over two dozen third-party subpoenas (so far)." (D.I. 1407 at 7). Since then, ConocoPhillips has learned that ConocoPhillips Company and a non-U.S.-based affiliate are targets of those third-party subpoenas (attached as Exhibits A and B), as are at least 15 other attached judgment creditors in this action, including Crystallex. The ConocoPhillips subpoenas seek 22 wide-ranging categories of documents, approximately half of which are requests that were presumably drafted for and served on PDVH, as they seek such items as board minutes, and otherwise relate to compliance with corporate formalities and the like. The remainder of the requests relate to all outstanding debts of PDVSA and the Republic of Venezuela to ConocoPhillips. Those requests seek the nature of the obligations, any judgments obtained in connection therewith, amounts that have been paid thereon, and the source of those payments, and appear to be directed at ConocoPhillips' (privileged) collection strategy.

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ConocoPhillips respectfully submits that these subpoenas are a further indication of the need for issuance of an injunction to restrain the Gramercy Parties' efforts to disrupt this judgment enforcement proceeding. Document requests concerning the claims of the attached judgment creditors in this proceeding are not probative of anything in the alter ego cases. Moreover, the ConocoPhillips Company subpoena names Houston, Texas, as the place of compliance, notwithstanding that ConocoPhillips Company is a Delaware corporation, consistent with Girard Street and its affiliates' efforts to pursue their alter ego actions outside the reach of this Court. Girard Street's abusive attempt to drag the attached judgment creditors into separate litigation in a different jurisdiction is further evidence of why this matter should be determined by this Court.

As always, we appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Garrett B. Moritz

Garrett B. Moritz (Bar No. 5646)

Enclosures

cc: All Counsel of Record